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| Adopted | Rejected |
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## COMMITTEE REPORT

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| YES: | 6 |
| NO:  | 1 |

### MR. SPEAKER:

*Your Committee on* Courts and Criminal Code, to which was referred House Bill 1009, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:

- 1 Page 1, delete lines 1 through 8.
- 2 Page 1, line 11, delete "35-33-5-18" and insert "**35-33-5-15**".
- 3 Page 9, line 12, delete "A" and insert "**Except as provided in**
- 4 **subsection (e), a**".
- 5 Page 9, between lines 39 and 40, begin a new paragraph and insert:
- 6 "**(e) A law enforcement officer may use a tracking device**
- 7 **without a warrant to obtain evidence relevant to the enforcement**
- 8 **of statutes, rules, and regulations if the law enforcement officer**
- 9 **determines that the use of the tracking device is required due to:**
- 10 **(1) the existence of exigent circumstances necessitating a**
- 11 **warrantless search; or**
- 12 **(2) the substantial likelihood of a terrorist attack.**".
- 13 Page 10, line 4, delete "person." and insert "**person if the law**
- 14 **enforcement officer does not have the consent of the other person**
- 15 **to place the camera or electronic surveillance equipment on the**
- 16 **other person's private property.**".

Page 10, line 33, after "procedures." insert **"However, a law enforcement officer may use a tracking device without a warrant if the law enforcement officer determines that the use of the tracking device is required due to:**

**(1) the existence of exigent circumstances necessitating a warrantless search; or**

**(2) the substantial likelihood of a terrorist attack."**

Page 11, delete lines 22 through 42.

Delete page 12.

Page 13, delete lines 1 through 25.

Page 13, line 26, delete "35-33-5-17" and insert "35-33-5-14".

Page 13, line 28, delete "17." and insert "**14.**".

Page 13, line 28, delete "Any" and insert **"Except as provided in subsection (d), any"**.

Page 13, line 32, delete "(c)," and insert **"(c) or (d),"**.

Page 13, line 33, delete "sections 13 and 14" and insert **"section 13"**.

Page 13, between lines 41 and 42, begin a new paragraph and insert:

**"(d) Electronic mail owned, controlled, or used by the state and obtained by the office of inspector general or an investigator for the inspector general is admissible in an administrative proceeding even if the electronic mail is obtained or admitted in violation of:**

**(1) subsection (b); or**

**(2) section 13 of this chapter."**

Page 13, line 42, delete "35-33-5-18" and insert "35-33-5-15".

Page 14, line 2, delete "18." and insert **"15."**

Page 14, delete lines 7 through 16, begin a new paragraph and insert:

**"SECTION 30. IC 35-33-5-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. (a) For purposes of IC 34-46-4 (Journalist's Privilege Against Disclosure of Information Source) and subject to subsection (b), if:**

**(1) a governmental entity requests that a court issue a search warrant to a provider of:**

**(A) electronic communication service; or**

**(B) remote computing service; and**

**(2) the search warrant seeks information or communications concerning a news media entity or a person otherwise**

described in IC 34-46-4-1;  
the news media entity or person described in IC 34-46-4-1 shall be  
given reasonable and timely notice of the search warrant request  
and shall be given an opportunity to be heard by the court  
concerning the issuance of the search warrant before the search  
warrant is issued.

(b) If:

(1) the search warrant that would be issued to a provider  
described in subsection (a)(1) concerns a criminal  
investigation in which the news media entity or person  
described in IC 34-46-4-1 is a target of the criminal  
investigation; and

(2) the notice that would be provided to the news media entity  
or person described in IC 34-46-4-1 under subsection (a)  
would pose a clear and substantial threat to the integrity of  
the criminal investigation;

the governmental entity shall certify the threat to the court and  
notice of the search warrant shall be given to the news media entity  
or person described in IC 34-46-4-1 as soon as the court determines  
that the notice no longer poses a clear and substantial threat to the  
integrity of the criminal investigation."

Page 15, line 10, after "warrant" insert "or the consent of the  
owner of private property as provided".

Page 16, line 17, after "vehicles," insert "including a governmental  
entity,".

Page 16, line 23, after "property," insert "including a governmental  
entity,".

Page 16, between lines 24 and 25, begin a new line block indented  
and insert:

**"(14) A law enforcement officer, if the law enforcement officer  
determines that the use of the tracking device is required due  
to:**

**(A) the existence of exigent circumstances necessitating a  
warrantless search; or**

**(B) the substantial likelihood of a terrorist attack."**

Page 16, after line 27, begin a new paragraph and insert:

**"SECTION 34. [EFFECTIVE JULY 1, 2014] (a) The general  
assembly urges the legislative council to assign to a study**

- 1 committee during the 2014 legislative interim the topic of digital  
2 privacy, including issues related to:
- 3 (1) searches of electronic devices;
  - 4 (2) compelling the disclosure of electronic user data;
  - 5 (3) the collection and use of geolocation information; and
  - 6 (4) the collection and use of biometric information;
- 7 by government agencies.
- 8 (b) If a study committee is assigned the topic described in  
9 subsection (a), the study committee shall issue to the legislative  
10 council a final report containing the study committee's findings  
11 and recommendations, including any recommended legislation  
12 concerning the topic, in an electronic format under IC 5-14-6 not  
13 later than November 1, 2014.
- 14 (c) This SECTION expires January 1, 2015".
- 15 Renumber all SECTIONS consecutively.  
(Reference is to HB 1009 as introduced.)

and when so amended that said bill do pass.

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Representative McMillin